

REMARKS

This Amendment is submitted in response to the Office Action dated April 13, 2003, having a shortened statutory period set to expire July 13, 2004. In the present Amendment, Claims 9 and 10 are amended. Claims 1 and 9-16 are now pending.

Applicants appreciate the teleconference granted by the Examiner on May 21, 2004. While no agreement was reached on the previously submitted claims, Applicants appreciate the suggestions made by the Examiner regarding the currently submitted amendments.

REJECTIONS UNDER 35 U.S.C. § 102 and 103

In the present Office Action, Claims 1, 9-10 and 12-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Daigle* (U.S. Patent No. 5,795,297 – "*Daigle*"). Furthermore, Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daigle* in view of *Allen et al.* (U.S. Patent No. 4,570,217 – "*Allen*"). Applicants respectfully traverse these rejections.

With regards to exemplary Claim 9, the cited prior art does not teach or suggest a system in which incoming data packets are examined by a microcontroller in a NIC, and if the packet is destined for a non-volatile memory (such as a SCSI hard drive – see Claim 12), "then the microcontroller bypasses the system bus for the volatile system memory and directly communicates with the non-volatile memory to transfer the packet from the non-system memory in the network adapter to the system's non-volatile memory."

CONCLUSION

As the prior art does not teach or suggest all of the limitations of the presently claimed invention, Applicants respectfully request a Notice of Allowance for all pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0457**.

Respectfully submitted,



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